

# EXHIBIT “A”

SOUTHERN COURT REPORTING

1600 WOODMERE DRIVE, SUITE A, BIRMINGHAM, ALABAMA 35226

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COPY

1 IN THE UNITED STATES DISTRICT COURT  
2 FOR THE MIDDLE DISTRICT OF ALABAMA  
3 AT MONTGOMERY  
4

5 ANNE MARIE HUNTER,

6 Plaintiff,

7 vs.

8 DURR SYSTEMS, INC.,

9 Defendant.  
10

11 CASE NUMBER: 2:06CV411-SRW  
12  
13

14 DEPOSITION: ANNE MARIE HUNTER  
15  
16

17 S T I P U L A T I O N S

18 IT IS STIPULATED AND AGREED by  
19 and between the parties through their  
20 respective counsel that the deposition  
21 of ANNE MARIE HUNTER may be taken on  
22 October 5, 2006, before Sallie NeSmith  
23 Gunter, Certified Shorthand Reporter,

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1 Commissioner and Notary Public, at the  
2 law offices of Sirote & Permutt, P.C.,  
3 2311 Highland Avenue South, Birmingham,  
4 Alabama.

5 IT IS FURTHER STIPULATED AND  
6 AGREED that the signature to and the  
7 reading of the deposition by the  
8 witness is waived, the deposition to  
9 have the same force and effect as if  
10 full compliance had been had with all  
11 laws and rules of court relating to the  
12 taking of depositions.

13 IT IS FURTHER STIPULATED AND  
14 AGREED that it shall not be necessary  
15 for any objections to be made by  
16 counsel to any questions except as to  
17 form or leading questions, and that  
18 counsel for the parties may make  
19 objections and assign grounds at the  
20 time of trial or at the time said  
21 deposition is offered in evidence or  
22 prior thereto.

23

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1 Q. Okay.

2 A. That is --

3 Q. You say that didn't come from  
4 you?

5 A. No, it did not, Scout's honor. 09:34:48AM

6 Q. But you agree with the part  
7 that you're a self-employed freelance  
8 photographer?

9 A. That part, yes.

10 Q. Do you have contracts with 09:35:00AM  
11 other industries for whom you have shot  
12 pictures?

13 A. The one I know for sure that  
14 is on file right now is with  
15 Harley-Davidson. I've worked with them 09:35:10AM  
16 since 1996.

17 Q. Okay. You worked in the  
18 capacity of an independent contractor  
19 with Harley?

20 A. Yes. 09:35:22AM

21 Q. And would that be the same for  
22 Durr?

23 A. Yes.

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1 accident yet?

2 Q. No, I'm just asking you what  
3 you did first.

4 A. The first thing I did was to  
5 walk in and scope things out.

09:44:52AM

6 Q. Let me stop there, and we'll  
7 take it in small bites. When you go in  
8 to scope it out, is anything moving?

9 A. No.

10 Q. Okay. But you've got some car  
11 bodies in there?

09:45:00AM

12 A. Yes.

13 Q. And then you said something  
14 about watching the robots?

15 A. Right.

09:45:06AM

16 Q. Are the robots moving?

17 A. No.

18 Q. So what is it that you're  
19 trying to do, with nothing moving, in  
20 order to determine what kind of shots  
21 you want to make?

09:45:16AM

22 A. I'm seeing if I want my --  
23 what my lens is that I need, can I



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1 handle it or do I need to just keep it  
2 on the tripod, just a lot of technical  
3 things.

4 Q. No one from Durr is telling  
5 you how to do those things?

09:45:34AM

6 A. No, no one is telling me.

7 Q. You're the professional in  
8 this setting?

9 A. Right.

10 Q. All right. Before you  
11 actually start taking pictures, does  
12 anything move?

09:45:38AM

13 A. As soon as -- yeah. As soon  
14 as -- I'm waiting for the bodies to  
15 start moving, and I don't start taking  
16 pictures until the bodies start moving.  
17 Then a body moves forward, then I start  
18 to move forward, and I follow its line,  
19 get as close as I can without putting  
20 myself in danger of getting sprayed  
21 with paint so --

09:45:54AM

09:46:04AM

22 Q. Let me stop you there. Had  
23 you had a discussion with someone about

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1 Q. Okay.

2 A. Also because I use a really  
3 fast speed of film and my shutter speed  
4 doesn't have to be that long, and  
5 because I've done this for so long, and 09:51:18AM  
6 this is what I do, and I make good  
7 pictures like this, really good, not  
8 extreme photography but --

9 Q. All right. Let's work off of  
10 Defendant's Exhibit 2. Did you shoot 09:51:30AM  
11 more than one direction in the robot  
12 paint booth on this occasion where the  
13 accident occurred?

14 A. Yes.

15 Q. Did you get at one end and set 09:51:48AM  
16 up and shoot --

17 A. No, I --

18 Q. -- and then go to the other,  
19 how did it work?

20 A. When I first came in, I 09:51:56AM  
21 stopped right there, and I turned  
22 around and got these feathers and some  
23 shots going back down the line from

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1 behind me. And then I waited for the  
2 body in front of me to start moving and  
3 then there was another body in front  
4 for when the robot started to paint,  
5 and then I started to walk forward.

09:52:14AM

6 Q. Okay. And is that when your  
7 accident happened?

8 A. Uh-huh.

9 Q. Yes?

10 A. Yes.

09:52:20AM

11 Q. Okay.

12 A. Sorry.

13 Q. Can you see in Defendant's  
14 Exhibit 2 where you started before you  
15 followed the car?

09:52:28AM

16 A. I'm pretty sure that it's  
17 right -- like the exit door is right  
18 here (indicating) after the emu  
19 feathers.

20 Q. And that's where you came in?

09:52:40AM

21 A. Uh-huh, enters and exits,  
22 right.

23 MR. CARLSON: Have you got a

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1 couple of these photographs?

2 MR. HANKINS: That's the only  
3 one I brought. Do you want to make  
4 some copies so we can mark them?

5 MR. CARLSON: Yeah, let's do 09:52:54AM  
6 that. Let me see if we've got one  
7 here. We may well have one here, Tom.  
Let's use it to save us a little time.

9 MR. HANKINS: Okay.

10 (Off-the-record discussion.) 09:54:24AM

11 Q. (BY MR. CARLSON) Take a look  
12 at this assortment of pictures, Ms.  
13 Hunter, and see if we can find one that  
14 works. There's a series of them there  
15 that look similar. 09:54:40AM

16 A. Right.

17 Q. Can you commit to any one of  
18 those photographs?

19 A. Well, do you mean if I took  
20 them? 09:54:50AM

21 Q. No, that it fairly and  
22 accurately depicts the area where your  
23 injury occurred?

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1 A. Yeah (indicating).

2 Q. Let's go with what works.

3 A. Okay.

4 Q. All right. Can we work with  
5 the one you just pointed to?

09:55:00AM

6 A. Okay.

7 (Defendant's Exhibit 4 was  
8 marked for identification.  
9 A copy is attached.)

10 Q. (BY MR. CARLSON) It would be  
11 the bottom photograph on Defendant's  
12 Exhibit 4, correct?

09:55:04AM

13 A. Yes.

14 Q. All right. Why don't we do  
15 this? You came in on one side of the  
16 robotic paint booth, and then prior to  
17 following a car through the paint  
18 booth, you get prepared to take those  
19 shots, correct?

09:55:12AM

20 A. Correct.

09:55:26AM

21 Q. Do you set your tripod up in a  
22 stationary location to take the first  
23 shot?

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1 A. Usually what I do --

2 Q. What I need to know is what  
3 you did on this occasion.

4 A. Okay. What I did, which is  
5 what I always do, is I put the two back  
6 legs on these (indicating).

09:55:40AM

7 Q. Okay.

8 A. And then I -- the front leg  
9 has almost a big enough rubber thing  
10 not to go through. Sometimes it will  
11 go through the grate a little bit,  
12 sometimes it doesn't. But if it  
13 doesn't, it gets a little bit stuck,  
14 that's okay, I can just pull it out and  
15 keep going.

09:55:52AM

09:56:02AM

16 Q. Why don't you, if you would,  
17 just use this black felt tip and draw  
18 your tripod where you started.

19 A. I don't know. I don't know.

20 Q. Did you start in the area that  
21 we see in that bottom photograph on  
22 Defendant's Exhibit 4?

09:56:32AM

23 A. Okay. I think what I did was

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1 says, I'm going to move some cars, and  
2 you step to the side?

3 A. He didn't have the control to  
4 move the cars. The cars -- he didn't  
5 control the cars moving. He probably 10:01:24AM  
6 controls the robots painting the cars.  
7 The cars were coming from down line  
8 somewhere, they were going through  
9 production.

10 Q. Does he tell you a car is 10:01:32AM  
11 coming?

12 A. Yes.

13 Q. Okay. So you get off to the  
14 side?

15 A. Right. 10:01:36AM

16 Q. And does that car pass you?

17 A. Yes.

18 Q. And is Christian outside the  
19 robotic paint booth?

20 A. Yes. 10:01:44AM

21 Q. In the control panel area?

22 A. Yes.

23 Q. All right. So this car that

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1 was coming behind you is now in front  
2 of you?

3 A. Correct.

4 Q. And does that car stop?

5 A. Yeah. They always stop for a 10:01:52AM  
6 minute, then they start and then they  
7 can stop, they start. They're not --  
8 sometimes they flow smoothly, sometimes  
9 they don't. But yes, that car stopped.

10 Q. Do you know why it stopped? 10:02:02AM

11 A. No. There's numerous reasons  
12 why they stop.

13 Q. But you don't know why?

14 A. Uh-uh.

15 Q. Okay. After that car 10:02:14AM  
16 stopped --

17 A. It's pretty typical, though.

18 Q. What happens after that car  
19 stops?

20 A. Then I get back on here, start 10:02:20AM  
21 walking up here (indicating) to get  
22 ready to photograph these robots  
23 painting some bodies.



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1 Q. Right. So you shoot some  
2 shots, but the car is gradually moving  
3 away from you?

4 A. Yes.

5 Q. All right. Then you pick up  
6 your tripod and you start walking  
7 towards the car?

10:04:44AM

8 A. Yes.

9 Q. And do you ever set your  
10 tripod down again?

10:04:50AM

11 A. Yes.

12 Q. And --

13 A. That's what saved my life.

14 Q. Well, you set the tripod down,  
15 and you take some more shots?

10:05:00AM

16 A. Uh-huh.

17 Q. Yes?

18 A. Yes.

19 Q. And how many shots do you take  
20 at that location?

10:05:04AM

21 A. Well, when I set my tripod  
22 down when my foot slipped, I hadn't  
23 take one shot yet. When I picked it up

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1 at the time -- I might have moved two  
2 or three times, but the time that I  
3 picked it up and my foot slipped, I put  
4 it down. As I was putting it down, my  
5 foot slipped and I looked down, and I  
6 was headed down. And if it wasn't for  
7 my tripod hooked up over here, I would  
8 have fallen through that hole.

10:05:30AM

9 Q. Okay. Do you think you set up  
10 your tripod one, two, or three times  
11 before this accident occurred?

10:05:42AM

12 A. I don't know. Maybe a couple,  
13 maybe three.

14 Q. Okay. And in each of those  
15 settings, with the exception of the  
16 last, did you take pictures from the  
17 tripod?

10:05:54AM

18 A. Yes.

19 Q. And on the third time --

20 A. Or maybe the fourth.

10:06:02AM

21 Q. Okay. Anyway, on the last  
22 one --

23 A. It was at the most that

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1 Q. But what I'm asking is this:  
2 As you were trying to set up the tripod  
3 in front of this hole, about how far  
4 was your tripod from the hole?

5 A. It straddled it probably. 10:07:06AM

6 Q. Straddled the hole?

7 A. Probably, yeah, because I  
8 didn't see it.

9 Q. Okay.

10 A. So I'm walking with all my 10:07:14AM  
11 gear and getting ready, okay, I want  
12 this shot, set my tripod down, take a  
13 step, my tripod locks down or sets down  
14 on these (indicating), my foot slips.  
15 I look down, and there's death, 10:07:28AM  
16 seriously.

17 Q. What did your foot slip on?

18 A. It slipped into the hole. I'm  
19 walking on this (indicating), and my  
20 foot slips into the hole. 10:07:42AM

21 Q. Okay. While you're setting up  
22 your tripod?

23 A. While I'm carrying my tripod,

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1 A. Uh-huh.

2 Q. Only further down?

3 A. Uh-huh.

4 Q. Yes?

5 A. Yes.

10:10:00AM

6 Q. Okay. And just so I  
7 understand, when you stepped in the  
8 hole, you were in the process of  
9 putting your tripod in place --

10 A. Yes.

10:10:10AM

11 Q. -- to take these pictures?

12 A. Yes.

13 Q. And when you put your foot in  
14 the hole, were the legs of the tripod  
15 in contact with the floor?

10:10:16AM

16 A. It probably happened  
17 simultaneously.

18 Q. Simultaneously. Now, at that  
19 point in time, how far is the car that  
20 you're photographing in front of you,  
21 how far away is it?

10:10:26AM

22 A. Ten feet maybe.

23 Q. Okay. And that's from your

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1 tripod to the rear end of the car?

2 A. Yeah.

3 Q. Okay. Was there anything  
4 obstructing your view of the hole in  
5 the floor at the time you were setting  
6 this tripod up and you stepped in the  
7 hole?

10:10:46AM

8 A. No. I wasn't looking for a  
9 hole in the floor, so I wouldn't have  
10 seen it.

10:10:56AM

11 Q. Okay. But what I'm asking,  
12 there wasn't anything between you and  
13 that car that would have kept you from  
14 seeing that hole, is there?

15 A. At the point of -- yes, my  
16 gear probably.

10:11:02AM

17 Q. What gear?

18 A. My camera bag, my tripod, my  
19 camera, my film bag were all around me,  
20 and so I would have expected the floor  
21 to be there.

10:11:16AM

22 Q. I'm not asking what you  
23 expect. I'm asking you, was there

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1 Q. Okay. And the only one you  
2 took after the accident is the one with  
3 Christian putting the grate back?

4 A. Uh-huh, correct.

5 Q. Yes. All right. When you 10:20:26AM  
6 fell, you said your tripod saved you.  
7 Tell me how that worked.

8 A. Well, I held it really hard  
9 and used it like to pull me out,  
10 because there was really nothing to 10:20:44AM  
11 stop me from falling into that hole,  
12 it's pretty big. It was locked down  
13 right here on these white things, and  
14 so I was able to pull myself out, and  
15 then I had no control of myself at that 10:20:58AM  
16 point. I mean, I was just like trying  
17 to save my life. So I fell over and  
18 fell really hard on this (indicating).

19 Q. On the right-hand side?

20 A. Uh-huh, on this is really -- 10:21:12AM  
21 on one of these is what I think I fell  
22 on (indicating). And right here -- can  
23 I show you something?

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1 Q. Sure, you can draw all over  
2 your attorney's pictures.

3 A. Okay. This is where I fell  
4 like into an area here, and then my  
5 camera landed right here and stayed  
6 (indicating).

10:21:28AM

7 Q. On a step?

8 A. My hand was there, like my  
9 hand was extended, and my camera landed  
10 then on top of my hand right there. So  
11 my hand got smashed between my camera  
12 and this thing right here (indicating).

10:21:38AM

13 Q. While you're drawing on that  
14 photograph that we've marked  
15 Defendant's Exhibit 2, you've made some  
16 marks on the right-hand side of what  
17 I've called the catwalk.

10:21:50AM

18 A. Uh-huh.

19 Q. I understand we've got a  
20 dispute on what a catwalk is, but at  
21 least we're talking the same language.  
22 Is it your testimony that you fell to  
23 the right-hand side where you've made

10:21:58AM

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1 these black marks?

2 A. Yes.

3 Q. And it is your testimony that  
4 your camera landed on the step that we  
5 see in that photograph?

10:22:10AM

6 A. That's not -- yes, it did.  
7 But it landed on my hand, while my hand  
8 was on this step (indicating).

9 Q. On the step. Okay. Do you --

10 A. And the rest of my body was  
11 like laying right here (indicating).

10:22:20AM

12 Q. Do you actually fall down in  
13 the hole?

14 A. No.

15 Q. Okay. So basically, you hit  
16 the side rail to the hole?

10:22:26AM

17 A. Uh-huh.

18 Q. Yes?

19 A. Yes.

20 Q. And your camera lands on your  
21 wrist?

10:22:32AM

22 A. Uh-huh.

23 Q. Yes?



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1 A. No.

2 Q. We've talked about all of it?

3 A. Yes.

4 Q. Okay. And you're making a  
5 claim for lost wages, lost income, the  
6 pain, the medical bills. Anything else  
7 that you're making claim for in this  
8 case?

12:12:28PM

9 A. The change in my profession.

10 Q. Anything else that you can  
11 think of?

12:12:46PM

12 A. No.

13 MR. CARLSON: All right.  
14 Thank you very much for giving me your  
15 time.

12:12:54PM

16 THE WITNESS: Thanks.

17 MR. CARLSON: And that's the  
18 last question I have.

19 MR. HANKINS: We'll read and  
20 sign.

12:13:02PM

21 THUS CONCLUDED THE DEPOSITION OF  
22 ANNE MARIE HUNTER  
23

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C E R T I F I C A T E

STATE OF ALABAMA )

JEFFERSON COUNTY )

I hereby certify that the above and foregoing proceeding was taken down by me by stenographic means, and that the questions and answers therein were produced in transcript form by computer aid under my supervision, and that the foregoing represents, to the best of my ability, a true and correct transcript of the proceedings occurring on said date at said time.

I further certify that I am neither of counsel nor of kin to the parties to the action; nor am I in anywise interested in the result of said cause.



SALLIE NESMITH GUNTER

CERTIFIED SHORTHAND REPORTER